IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

Writ Petition No. 9304 of 2004

Bharatsingh Magansingh Parihar .. Petitioner
V/s.
State of Maharashtra & Ors. .. Respondents

Mr. R.K. Mendadkar for the Petitioner
Mr. C.R. Sonawane, AGP. for the Respondents

CORAM : S. RADHAKRISHNAN &
SMT. V.K. TAHILRAMANI, JJ.
DATED : 20.12.2004.

P.C.:-

1. Heard the learned counsel for the Petitioner and the learned Additional Government Pleader for the Respondents. The Petitioner had claimed to be belonging to "Thakur" Scheduled Tribe, however, the Caste Scrutiny Committee has invalidated his claim by an order dated 24.6.2004, which is impugned in this Petition. Leave to amend to add Respondent No. 4.

2. The learned counsel for the Petitioner states that the Petitioner has already been appointed as a Junior Engineer (Civil) and he has been made permanent with effect from 1.12.2000. Under these circumstances, the Petitioner claims that neither he nor his children will claim any benefits under "Thakur Scheduled Tribe" and accepts the impugned order to the effect that he does not belong to "Thakur" Scheduled Tribe. The Petitioner has also filed an undertaking to that effect dated 20.12.2004.

3. In view of the judgment of the Supreme Court **in State**

of Maharashtra Vs. Milind and others (2001) 1 Supreme

Court Cases 4, the aforesaid undertaking is accepted, and the Respondent Nos. 3 and 4 are restrained from terminating the services of the Petitioner in view of the Caste Scrutiny Committee order dated 24.6.2004, whereby his Caste claim was invalidated. Rule is made absolute in terms of prayer clause (b).

4. It is also made clear that hereinafter the Petitioner will be treated to be belonging to Open Category and his Service record should also stand corrected to that effect.

(S. RADHAKRISHNAN, J.)

(SMT. V.K. TAHILRAMANI, J.)